

Section #. 118.255 (4) of the statutes is amended to read:

118.255 (4) If the state superintendent is satisfied that the health treatment services program has been maintained during the preceding school year in accordance with law, the state superintendent shall certify to the department of administration in favor of each school board, cooperative educational service agency and county children with disabilities education board maintaining such health treatment services, an amount equal to the amount expended for items listed in s. 115.88 (1m) by the school board, cooperative educational service agency and county children with disabilities education board during the preceding year for these health treatment services as costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

History: 1973 c. 307; 1977 c. 83; 1981 c. 317; 1983 a. 27; 1983 a. 189 s. 329 (17m); 1983 a. 512; 1987 a. 27, 338; 1993 a. 492; 1995 a. 27; 1997 a. 27, 164; 1999 a. 9.

The department may not
make any payments under
this subsection after
June 30, 2004.

BILL

SECTION 65

servicing. There shall be no charge for health treatment services provided to any pupils unless public school students or their parents are charged for similar services.

~~For purposes of state aid, as it is provided under s. 115.88 to the public school district, for the health treatment service program, private school pupils receiving such health treatment services shall be counted among the pupils of the public school district receiving such services, although each child may receive health treatment services within the child's own school facilities, whether public or private.~~

SECTION 66. 118.255 (4) of the statutes is repealed.

SECTION 67. 118.40 (2r) (e) 1. of the statutes is amended to read:

118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the amount of revenue increase per pupil that would be allowed under subch. VII of ch. 121 in the current school year if subch. VII of ch. 121 were still applicable, multiplied by the number of pupils attending the charter school. The department shall pay 25% of the total amount in September, 25% in December, 25% in February, and 25% in June. The department shall send the check to the operator of the charter school.

SECTION 68. 118.43 (2) (b) 2. of the statutes is amended to read:

~~118.43 (2) (b) 2. The school board is not receiving a grant under the preschool to grade 5 program on behalf of the school under s. 115.45, 2001 stats.~~

SECTION 69. 118.43 (2) (bg) 2. of the statutes is amended to read:

~~118.43 (2) (bg) 2. The school board is not receiving a grant under the preschool to grade 5 program on behalf of the school under s. 115.45, 2001 stats.~~

SECTION 70. 118.43 (2) (br) 2. of the statutes is amended to read:

CR; 118.43 (9)

CRS

TERMINATION OF STATE AID.

118.43 (9) (The department may not make any
payments under this section after

~~under~~ June 30, 2004.

BILL**SECTION 79**

1 **(3)** (a) Beginning in the 2004-05 school year, the school board of any school
2 district not included in sub. (2) in which a school in the previous school year had an
3 enrollment that was at least 30% low-income shall reduce class size to 15 in at least
4 grades kindergarten and one in that school in the current school year, in at least
5 grades kindergarten to 2 in that school in the following school year, and in at least
6 grades kindergarten to 3 in that school in the 2nd, 3rd, and 4th following school
7 years.

8 (b) During the last school year of the 5-year period under par. (a) or sub. (2) and
9 of each 5-year period under this paragraph, the department shall determine the
10 school's low-income enrollment. If that low-income enrollment is below 30%, the
11 school board is not required to maintain reduced class size under this section. If that
12 enrollment is at least 30% low-income, the school board shall maintain reduced class
13 size for another 5 school years.

14 **SECTION 80.** 119.04 (1) of the statutes is amended to read:

15 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
16 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
17 (2), ~~115.45~~, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
18 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
19 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,
20 118.30 to ~~118.43~~ 118.44, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125,
21 ~~120.13~~ (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14, ~~120.145~~,
22 and 120.25 are applicable to a 1st class city school district and board.

23 **SECTION 81.** 119.23 (4) (b) 2. of the statutes is amended to read:

24 119.23 (4) (b) 2. The sum of the amount paid per pupil under this subsection
25 in the previous school year and the amount of revenue increase per pupil that would

BILL**SECTION 81**

1 be allowed under subch. VII of ch. 121 in the current school year if subch. VII of ch.
2 121 were still applicable.

3 **SECTION 82.** 120.13 (14) of the statutes is amended to read:

4 120.13 (14) DAY CARE PROGRAMS. Establish and provide or contract for the
5 provision of day care programs for children. The school board may receive federal
6 or state funds for this purpose. The school board may charge a fee for all or part of
7 the cost of the service for participation in a day care program established under this
8 subsection. ~~Costs associated with a day care program under this subsection may not~~
9 ~~be included in shared costs under s. 121.07 (6).~~ Day care programs established under
10 this subsection shall meet the standards for licensed day care centers established by
11 the department of health and family services. If a school board proposes to contract
12 for or renew a contract for the provision of a day care program under this subsection
13 or if on July 1, 1996, a school board is a party to a contract for the provision of a day
14 care program under this subsection, the school board shall refer the contractor or
15 proposed contractor to the department of health and family services for the criminal
16 history and child abuse record search required under s. 48.685. Each school board
17 shall provide the department of health and family services with information about
18 each person who is denied a contract for a reason specified in s. 48.685 (4m) (a) 1. to
19 5.

20 **SECTION 83.** 120.13 (19) of the statutes is amended to read:

21 120.13 (19) COMMUNITY PROGRAMS AND SERVICES. Establish and maintain
22 community education, training, recreational, cultural or athletic programs and
23 services, outside the regular curricular and extracurricular programs for pupils,
24 under such terms and conditions as the school board prescribes. The school board
25 may establish and collect fees to cover all or part of the costs of such programs and

6-1-17

30

61-035

SEC.

CR. 120.145

120.145 School tax levy and (i) Notwithstanding

ss. ~~87(1)(a)~~, 119.46, 120.10 (6) to (8), (10m),

and (11), and 120.12 (3), beginning in ~~the~~

2004, a school board may not levy a tax

~~tax unless it adopts a resolution under~~

~~s. 120.086 (2)~~ The at a rate that exceeds

3 mills except as follows:

(a) The ^{rate} levy may exceed 3 mills for the purpose of paying the principal and interest on ~~the~~ debt

outstanding on the effective date of this section [revdate].

(b) The levy rate may exceed 3 mills if the department approves a higher levy rate for the school district. The department may approve a higher levy rate only for emergencies, as defined by the department by rule.

(2) The school board may not use revenue from the

tax levy to fund employee salaries or benefits.

Section #. 121.08 (1) (intro.) of the statutes is amended to read:

*In the 2002-03 school year
and the 2003-04 school year, the*
121.08 (1) (intro.) ~~The~~ state shall pay to the school district the sum of the following amounts:

History: 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16. 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16.

(a) (intro.), 2. and 3. and (b)

Section #. 121.08 (4) ^{one} of the statutes is amended to read:

(intro.)

121.08 (4) (a) ^(t) The amount of state aid that a school district is eligible to be paid from the appropriation under s. 20.255 (2) ~~(ae)~~ shall be reduced by the amount determined as follows:

- ~~1. Add the amounts paid under s. 118.40 (2r) in the current school year.~~
2. Divide the sum under subd. 1. by the total amount of state aid that all school districts are eligible to be paid from the appropriation under s. 20.255 (2) ^(t) ~~(ae)~~, calculated as if the reduction under par. (b) had not occurred.
3. Multiply the amount of state aid that the school district is eligible to be paid from the appropriation under s. 20.255 (2) ^(t) ~~(ae)~~, calculated as if the reduction under par. (b) had not occurred, by the quotient under subd. 2.

(b) The amount of state aid that the school district operating under ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) ^(t) ~~(ae)~~ shall also be reduced by 45% of the amounts paid under s. 119.23 (4) and (4m) in the current school year.

~~(d) The state superintendent shall ensure that the total amount of aid reduction under pars. (a) and (b) lapses to the general fund.~~

History: 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16. 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16.

SEC. CR. 121.085

121.085 School aid.

(1) In this section:

(a) "Average membership" means the average of the number of pupils enrolled ~~on the 3rd~~ membership ~~3~~ of 3 school years out of Friday of September 1 of the ~~current~~ the 5 ~~the~~ highest preceding school years that have 1 membership.

(b) "Educational cost" ~~per pupil~~ means the total cost of instruction and instructional support services, that is attributable to pupils who reside in the school district, less transportation and facility acquisition costs and costs funded by any grant other than a state grant, as determined by the department.

(c) "Rate of increase" means the percentage rate which, when applied annually for ~~20~~ years, ~~under sub (2)~~ ^{aid} results in an payment in the 2023-24 school year of \$19,000 per pupil under sub (2).

(2), ~~beginning in the~~ school

~~year~~ The department shall pay to each school district, from the appropriation under s. 20.255 (2) (t), the amount determined by multiplying the following by the school district's average membership:

(a) In the 2004-05 school year, an amount equal to the school district's ^{in the 2003-04 school year} educational cost per pupil multiplied by the sum of 1.0 plus the rate of increase expressed as a decimal.

(b) Beginning in the 2004-05 school year and ending in the ²⁰²³⁻²⁴ school year, in ~~which the aid per pupil under this section equals~~

~~\$24,000~~ an amount equal to the amount received

by the school district under this subsection in the previous school year multiplied by the sum of 1.0 plus the rate of increase expressed as a decimal.

(3) A school district that has an the unanticipated increase in costs of providing special education under subch. V of ch. 115

may apply to the department for additional state aid. If, after paying aid under sub. (2), the department determines that funds are available in the appropriation under s. 20.255 (2)(t) and that additional aid is justified, the department shall pay the aid from the appropriation under s. 20.255 (2)(t). The department's determinations are final and may not be appealed.

SEC. CR; 121.086

121.086 Aid for capital expenditures.

(1) In this section, "board" means the school building projects board.

(2) ^{Notwithstanding s. 67.05 (6a) (a) 2.} ~~If~~ A school board may not issue a bond under s. 67.05 (6a) to finance a ~~or levy a tax to support the project~~ ~~beginning building project in which it will levy a~~ capital project unless it ~~tax it~~ ~~shall~~ adopts a resolution to do so by the affirmative vote of at least ~~three-fourths~~ of its members. If the school

board adopts such a resolution, ~~it may levy a~~ ~~tax not exceeding 3 mills to fund~~ ~~the project and~~

~~(3) If a school board adopts a resolution under~~ ~~sub (2),~~ it may apply to the board for state aid for the project. The board shall review the ~~the project~~ application and determine whether ~~it~~ ~~satisfies~~

(a)3.
Section #. 121.15 (1m) of the statutes is amended to read:

121.15 (1m) (a) ~~Notwithstanding subs. (1) and (1g), a portion of state aid to school districts shall be distributed as follows:~~

3. Beginning in the 1999-2000 school year, annually the state shall pay to school districts, from the appropriation under s. 20.255 (2) (ac), \$75,000,000 on the 4th Monday in July of the following school year.

(b) ~~The percentages under subs. (1) (a) and (1g) (a) shall be reduced proportionally to reflect the payments made under par. (a). School districts shall treat the payments made in July under par. (a) as if they had been received in the previous school year.~~

History: 1977 c. 29 s. 1098; 1977 c. 273; Stats. 1977 s. 121.15; 1979 c. 34; 1985 a. 29, 120; 1987 a. 27; 1989 a. 207; 1993 a. 16, 437; 1995 a. 27 ss. 4073 to 4075m. 9145 (1); 1997 a. 27, 113, 228; 1997 a. 237 ss. 368v to 369, 727p; 1999 a. 9, 17; 2001 a. 16, 106, 109.

No payment may be made under this subdivision after July 8, 2004.

SEL. R.P., 121.15 (3m)

SER. AM, 121.23 (1A6)

121.23 (1A6) Payment of aids in school School
district labor disputes.

SER. RN, 121.23 (1) ; 121.23

SER. RP, 121.23 (2)

CR; ~~§~~ 121.41(3)

2+5

TERMINATION of STATE AID.

121.41 (3) The department may not make any
payments under this section after

~~under~~ June 30, 2004.

Section #. 121.85 (6) (a) 1. of the statutes is amended to read:

121.85 (6) (a) 1. Divide the state aid received in the current school year under s. ~~121.08~~^{121.085} by the ^{average} membership used to compute state aid to the school district for the current school year.

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105.

Section #. 121.85 (6) (e) of the statutes is amended to read:

121.85 (6) (e) *Sources of aid payments.* State aid under this section shall be paid from the appropriation under s. 20.255 (2) ^(t) ~~(ae)~~.

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105.

Section #. 121.85 (6m) of the statutes is amended to read:

121.85 (6m) USE OF AID FOR LEASE OR LOAN PAYMENTS. If the board of directors of the school district operating under ch. 119 leases buildings or sites from the redevelopment authority of the city or borrows money from the redevelopment authority of the city under s. 119.16 (3) (c), it may use intradistrict transfer aid under sub. (6) to make lease payments or repay the loan. If the board of school directors decides to use the aid to make lease payments or repay the loan, it may request the department to remit the intradistrict transfer aid under sub. (6) to the redevelopment authority of the city of Milwaukee in an annual amount agreed to by the board of school directors and the department, and the department shall ensure that the aid remittance does not affect the amount determined to be received by the board of school directors as state aid under s. ~~121.08~~^{121.085} for any other purpose.

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105.

Section #. 121.85 (8) of the statutes is amended to read:

121.85 (8) TRANSFERRED PUPILS. Pupils transferring schools under this section shall be subject to the same rules and regulations as resident pupils and shall have the responsibilities, privileges, and rights of resident pupils in the school district or attendance area. Subject to this subsection, a pupil transferring schools under either sub. (3) (a) or (b) has the right to complete his or her education at the elementary, middle, or high school to which he or she transfers so long as full funding therefor is available under s. 20.255 (2) ~~(a)~~ ^(t).

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105.

Section #. 121.85 (9) (c) of the statutes is amended to read:

121.85 (9) (c) The obligation under par. (a) to organize planning councils shall apply only with regard to school terms for which full pupil transfer aids are appropriated under s. 20.255 (2) ~~(ac)~~^(t) and planning council assistance funds are appropriated under s. 20.255 (1) (a).

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105.

Section #. 121.90 (2) (intro.) of the statutes is amended to read:

121.90 (2) (intro.) "State aid" means aid under ss. ~~121.08~~ ^{121.085, 121.086}, 121.09 and 121.105 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4), and amounts under s. 79.095 (4) for the current school year, except that "state aid" excludes all of the following:

History: 1993 a. 16; 1995 a. 27; 1997 a. 27, 113, 237, 286; 1999 a. 9, 32, 186; 2001 a. 109.

Section #. 121.91 (2m) (e) (intro.) of the statutes is amended to read:

121.91 (2m) (e) (intro.) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1999-2000 school year ~~or for any school year thereafter~~ to an amount that exceeds the amount calculated as follows:

History: 1993 a. 16; 1995 a. 27 ss. 4108m to 4114, 9145 (1); 1997 a. 27, 113, 164, 237, 286; 1999 a. 9, 17, 19, 32, 182; 2001 a. 16.

, 2000-01, 2001-02, 2002-03, ~
2003-04

~~an educational need in the school~~

~~district. If the board determines that the~~
~~any portion of the~~ ~~in the school district,~~
~~project satisfies an educational need if it~~

(3) The board shall review the application submitted under sub. (2) and
shall provide state aid to the school district

for that portion of the project determined by
the board to satisfy an educational
need in the school district.

The board shall determine the amount of
aid to be paid to the school district by under this
section shall be determined as follows:

(a) Determine the percentage of the school
district's shared cost that ^{was} ~~would be~~ paid by
through general equalization aid
if ~~the~~ under s. 121.08 in the previous school year, or
would have been paid under that section in the
previous school year if aid were
paid under that section in the previous school year.

(b) Multiply ^{the} ~~that~~ portion of the project's cost determined by the board to satisfy an educational need in the school district by the percentage ~~determined~~ under par. (a).

(4) All under this section shall be paid from the appropriation under s. 20.255(2)(t).

The school board may not use
(5) ~~Revenue~~ from the tax levy under sub. (2) to fund employee salaries or benefits.

Section #. 121.09 of the statutes is amended to read:

*but before the
effective date of
this subsection
[revdate],*

121.09 State aid adjustment; redetermination of assessment. (1) If, on or after July 1, 1980, the tax appeals commission or a court makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is lower than the previous assessment, or if, on or after January 1, 1982, the state board of assessors makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is lower than the previous assessment, the school board of the school district in which the property is located may, within 4 years after the date of the determination, decision, or judgment, file the determination of the state board of assessors, the decision of the tax appeals commission, or the judgment of the court with the state superintendent, requesting an adjustment in state aid to the school district. If the state superintendent determines that the determination, decision, or judgment is final and that it has been filed within the 4-year period, the state shall pay to the school district in the subsequent fiscal year, from the appropriation under s. 20.255 (2) ^(t) ~~(ac)~~, an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district's equalized valuation as originally certified, and the state aid computed under s. 121.08 for that school year using the school district's equalized valuation as recertified under s. 70.57 (2).

(2) If, on or after May 3, 1984, the state board of assessors, the tax appeals commission or a court makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is higher than the previous assessment, the state superintendent shall notify the school district in which the property is located of the recertification by the department of revenue under s. 70.57 (2). The state superintendent shall, in the subsequent fiscal year, withhold from the school district's state aid entitlement under s. ~~121.08~~ ^{121.085} an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district's equalized valuation as originally certified, and the state aid computed

under s. 121.08 for that school year, using the school district's equalized valuation as recertified under s. 70.57 (2).

History: 1983 a. 372; 1985 a. 29; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2001 a. 16.

Section #. 121.095 (1) (intro.) of the statutes is amended to read:

121.085
121.095 (1) (intro.) Annually the department shall reduce each school district's state aid payment under s. ~~121.08~~, or other state aid payments, if necessary, by an amount calculated as follows:

History: 2001 a. 109.

Section #. 121.095 (2) of the statutes is amended to read:

121.095 (2) From the appropriation under s. 20.255 (2) ~~(a)~~ ^(t) annually the department of public instruction shall pay to the department of military affairs an amount equal to the sum of the reductions under sub. (1). The department of public instruction shall ensure that the aid adjustment under sub. (1) does not affect the amount determined to be received by a school district as state aid under s. ~~121.08~~ ^{121.085} or for any other purpose.

History: 2001 a. 109.

CR; 119.23 (9)

119.23 (9) The department may not make any
payments under this section after
~~January~~ June 30, 2004.

SER. CR; 121.105(2)(c)

121.105 (2)(c) This subsection
does not
apply after the 2003-04 school year.

~~No increase in state aid~~

Section #. 121.105 (3) of the statutes is amended to read:

121.105 (3) In the school year in which a school district consolidation takes effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the consolidated school district's state aid shall be an amount that is not less than the aggregate state aid received by the consolidating school districts in the school year prior to the school year in which the consolidation takes effect. The additional state aid shall be paid from the appropriation under s. 20.255 (2) ~~(ae)~~ (t)

History: 1985 a. 29, 251; 1987 a. 27; 1989 a. 31, 114, 336; 1991 a. 39, 269; 1993 a. 16, 437; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 104.

CR; #1216135 (4)

121.135 (9) The department may not make any
payments under this section after

~~under~~ June 30, 2004.

67.03(1)(a) → SEC. AM. 67.03(1)

(A) Except as provided in s. 67.01 (9), municipalities may borrow money and issue municipal obligations therefor only for the purposes and by the procedure specified in this chapter. The aggregate amount of indebtedness, including existing indebtedness, of any municipality shall not exceed 5% of the value of the taxable property located in the municipality as equalized for state purposes except that the aggregate amount of indebtedness of any school district that offers no less than grades 1 to 12 and that at the time of incurring the debt is eligible to receive state aid under s. ~~121.08~~ shall not exceed 10% of the equalized value of the taxable property located in the school district.

121.085

~~67.03(1)(b)~~

(b) Any school district about to incur indebtedness may apply to the state superintendent of public instruction for, and the state superintendent may issue, a certificate as to the eligibility of the school district to receive state aid under s. ~~121.08~~, which certificate shall be conclusive as to such eligibility for 30 days, but not beyond the next June 30.

121.085

118.51(16)(b)1. → SEC. AM. 118.51(16)(b)

~~2~~ If the number determined in par. (a) 1. is greater than the number determined in par. (a) 2. for a school district, the department shall increase that school district's state aid payment under s. ~~121.08~~ by an amount equal to the difference multiplied by the amount determined under par. (a) 3.

121.085

~~118.51(16)(b)2.~~

2. If the number determined in par. (a) 1. is less than the number determined in par. (a) 2. for a school district, the department shall decrease that school district's state aid payment under s. ~~121.08~~ by an amount equal to the difference multiplied by the amount determined under par. (a) 3. If the state aid payment under s. ~~121.08~~ is insufficient to cover the reduction, the department shall decrease other state aid payments made by the department to the school district by the remaining amount. If the state aid payment under s. ~~121.08~~ and other state aid payments made by the department to the school district are insufficient to cover the reduction, the department shall use the moneys appropriated under s. 20.255 (2) (cg) to pay the balance to school districts under subd. 1.

121.085

121.085

121.085

118.51(16)(d) → SEC. AM. 118.51(16)(d)

~~2~~ The department shall ensure that the aid adjustment under par. (b) does not affect the amount determined to be received by a school district as state aid under s. ~~121.08~~ for any other purpose.

121.085

119.82(5) →

~~2~~ The board shall use aid received under s. ~~121.08~~ to continue funding for children participating in a program under this section.

121.085

121.105(1) → SEC. AM. 121.105(1)

~~1~~ In this section "state aid" means the sum of the payments provided to a school district under this section and ss. 121.08, 121.85 and 121.86.

121.085

121.15(1) → SEC. AM. 121.15(1) (intro.)

~~1~~ (intro.) Except as provided under sub. (1g), state aid under s. ~~121.08~~ shall be paid to school districts according to the following distribution schedule:

121.085

SEC. AM, 121.15 (1g)(a)

121.15(1g)(a)

- (2) If a school board submits a written request to the department before May 1, in the following school year the department shall pay to that school district an amount equal to 10% of the school district's total aid entitlement under s. ~~121.08~~ in each month from September to June.

121.085

121.86(2)(a)1.

SEC. AM, 121.86(2)(a)1.

- (2) Divide the state aid received in the current school year under s. ~~121.08~~ by the membership used to compute state aid to the school district for the current school year.

121.085

average



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2245/1
RAC/hmh:cmh

2001 SENATE BILL 200

June 5, 2001 - Introduced by Senators SHIBILSKI, BAUMGART, RISSER, MOEN, GEORGE, HANSEN, JAUCH, WIRCH and DECKER, cosponsored by Representatives SCHOOFF, BOCK, REYNOLDS, BLACK, PLOUFF, RYBA, GRONEMUS, J. LEHMAN, COLON, BALOW, BERCEAU, POCAN, COGGS, HUBLER, SYKORA and MORRIS-TATUM. Referred to Committee on Education.

1 **AN ACT to repeal** 111.70 (1) (dm), 111.70 (1) (fm), 111.70 (1) (nc), 111.70 (4) (cm)
2 5s., 111.70 (4) (cm) 7., 111.70 (4) (cm) 7g., 111.70 (4) (cm) 8m. b., 111.70 (4) (cm)
3 8p. and 111.70 (4) (cn); **to consolidate, renumber and amend** 111.70 (4) (cm)
4 8m. a. and c.; and **to amend** 111.70 (1) (b), 111.70 (4) (cm) 5., 111.70 (4) (cm) 6.
5 a., 111.70 (4) (cm) 6. am., 111.70 (4) (cm) 7r. (intro.), 111.70 (4) (cm) 8s. and
6 111.70 (4) (d) 2. a. of the statutes; **relating to:** dispute settlement procedures
7 in local government employment other than law enforcement and fire fighting
8 employment.

Analysis by the Legislative Reference Bureau

This bill does all of the following:

1. Under current law, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin employment relations commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. If WERC determines, after investigation, that an impasse exists and that arbitration is required, WERC must

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submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As an alternative to a single arbitrator, WERC may provide for an arbitration panel that consists of one person selected by each party and one person selected by WERC. As a further alternative, WERC may also provide a process that allows for a random selection of a single arbitrator from a list of seven names submitted by WERC. Under current law, an arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

Under current law, however, this process does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines, subsequent to an investigation, that the employer has submitted a qualified economic offer (QEO). Under current law, a QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus any fringe benefit savings. Fringe benefit savings is that amount, if any, by which 1.7% of the total compensation and fringe benefit costs for all municipal employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employees.

This bill eliminates the qualified economic offer exception from the compulsory, final, and binding arbitration process.

2. Current law provides that in reaching a decision, the arbitrator or arbitration panel must give weight to many factors, including the lawful authority of the municipal employer, the stipulations of the parties, the interest and welfare of the public, and the financial ability of the unit of government to meet the costs of the proposed agreement, comparison of wages, hours, and conditions of employment with those of other public and private sector employees, the cost of living, the overall compensation and benefits that the employees currently receive, and other similar factors. But, under current law, the arbitrator is required to give greater weight to economic conditions in the jurisdiction of the employer and the greatest weight to any state law or directive that places expenditure or revenue limitations on an employer.

This bill eliminates the authorization for the arbitrator or arbitration panel to give any weight to economic conditions in the jurisdiction of the employer or to any state law or directive that places expenditure or revenue limitations on an employer.

3. Under current law, every collective bargaining agreement covering school district professional employees must expire on June 30 of the odd-numbered years. For all other local government employees, the term of a collective bargaining agreement must be two years, except for an initial agreement and except as the parties otherwise agree, and in no case may exceed three years. This bill treats the terms of collective bargaining agreements for school district professional employees the same as those of other local government employees.

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4. Finally, under current law, school district professional employees are required to be placed in a collective bargaining unit that is separate from the units of other school district employees. This bill eliminates this requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 111.70 (1) (b) of the statutes is amended to read:

2 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal
3 employees who are school district professional employees or of municipal employees
4 who are not school district professional employees that is determined by the
5 commission to be appropriate for the purpose of collective bargaining.

6 SECTION 2. 111.70 (1) (dm) of the statutes is repealed.

7 SECTION 3. 111.70 (1) (fm) of the statutes is repealed.

8 SECTION 4. 111.70 (1) (nc) of the statutes is repealed.

9 SECTION 5. 111.70 (4) (cm) 5. of the statutes is amended to read:

10 111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the
11 other impasse resolution procedures provided in this paragraph, a municipal
12 employer and labor organization may at any time, as a permissive subject of
13 bargaining, agree in writing to a dispute settlement procedure, including
14 authorization for a strike by municipal employees or binding interest arbitration,
15 which is acceptable to the parties for resolving an impasse over terms of any
16 collective bargaining agreement under this subchapter. A copy of such agreement
17 shall be filed by the parties with the commission. If the parties agree to any form of
18 binding interest arbitration, the arbitrator shall give weight to the factors
19 enumerated under ~~subds. 7., 7g. and subd. 7r.~~

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SECTION 6

1 **SECTION 6.** 111.70 (4) (cm) 5s. of the statutes is repealed.

2 **SECTION 7.** 111.70 (4) (cm) 6. a. of the statutes is amended to read:

3 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one
4 ~~or more issues, qualifying for interest arbitration under subd. 5s. in a collective~~
5 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable
6 period of negotiation and after mediation by the commission under subd. 3. and other
7 settlement procedures, if any, established by the parties have been exhausted, and
8 the parties are deadlocked with respect to any dispute between them over wages,
9 hours, and conditions of employment to be included in a new collective bargaining
10 agreement, either party, or the parties jointly, may petition the commission, in
11 writing, to initiate compulsory, final, and binding arbitration, as provided in this
12 paragraph. At the time the petition is filed, the petitioning party shall submit in
13 writing to the other party and the commission its preliminary final offer containing
14 its latest proposals on all issues in dispute. Within 14 calendar days after the date
15 of that submission, the other party shall submit in writing its preliminary final offer
16 on all disputed issues to the petitioning party and the commission. If a petition is
17 filed jointly, both parties shall exchange their preliminary final offers in writing and
18 submit copies to the commission at the time the petition is filed.

19 **SECTION 8.** 111.70 (4) (cm) 6. am. of the statutes is amended to read:

20 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
21 commission shall make an investigation, with or without a formal hearing, to
22 determine whether arbitration should be commenced. If in determining whether an
23 impasse exists the commission finds that the procedures set forth in this paragraph
24 have not been complied with and such compliance would tend to result in a
25 settlement, it may order such compliance before ordering arbitration. The validity

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1 of any arbitration award or collective bargaining agreement shall not be affected by
2 failure to comply with such procedures. Prior to the close of the investigation each
3 party shall submit in writing to the commission its single final offer containing its
4 final proposals on all issues in dispute that are subject to interest arbitration under
5 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
6 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall
7 close the investigation based on the last written position of the party. ~~The municipal~~
8 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
9 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
10 bargaining, except that a permissive subject of bargaining may be included by a
11 party if the other party does not object and shall then be treated as a mandatory
12 subject. No later than such time, the parties shall also submit to the commission a
13 stipulation, in writing, with respect to all matters which are agreed upon for
14 inclusion in the new or amended collective bargaining agreement. The commission,
15 after receiving a report from its investigator and determining that arbitration should
16 be commenced, shall issue an order requiring arbitration and immediately submit
17 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
18 alternately strike names until a single name is left, who shall be appointed as
19 arbitrator. The petitioning party shall notify the commission in writing of the
20 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
21 formally appoint the arbitrator and submit to him or her the final offers of the
22 parties. The final offers shall be considered public documents and shall be available
23 from the commission. In lieu of a single arbitrator and upon request of both parties,
24 the commission shall appoint a tripartite arbitration panel consisting of one member
25 selected by each of the parties and a neutral person designated by the commission

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SECTION 8

1 who shall serve as a chairperson. An arbitration panel has the same powers and
2 duties as provided in this section for any other appointed arbitrator, and all
3 arbitration decisions by such panel shall be determined by majority vote. In lieu of
4 selection of the arbitrator by the parties and upon request of both parties, the
5 commission shall establish a procedure for randomly selecting names of arbitrators.
6 Under the procedure, the commission shall submit a list of 7 arbitrators to the
7 parties. Each party shall strike one name from the list. From the remaining 5
8 names, the commission shall randomly appoint an arbitrator. Unless both parties
9 to an arbitration proceeding otherwise agree in writing, every individual whose
10 name is submitted by the commission for appointment as an arbitrator shall be a
11 resident of this state at the time of submission and every individual who is
12 designated as an arbitration panel chairperson shall be a resident of this state at the
13 time of designation.

14 **SECTION 9.** 111.70 (4) (cm) 7. of the statutes is repealed.

15 **SECTION 10.** 111.70 (4) (cm) 7g. of the statutes is repealed.

16 **SECTION 11.** 111.70 (4) (cm) 7r. (intro.) of the statutes is amended to read:

17 111.70 (4) (cm) 7r. ~~Other factors~~ Factors considered.' (intro.) In making any
18 decision under the arbitration procedures authorized by this paragraph, the
19 arbitrator or arbitration panel shall ~~also~~ give weight to the following factors:

20 **SECTION 12.** 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated,
21 renumbered 111.70 (4) (cm) 8m. and amended to read:

22 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
23 the initial collective bargaining agreement between the parties and except as the
24 parties otherwise agree, every collective bargaining agreement covering municipal
25 employees subject to this paragraph ~~other than school district professional~~

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1 ~~employees shall be for a term of 2 years. No, but in no case may a collective~~
2 ~~bargaining agreement for any collective bargaining unit consisting of municipal~~
3 ~~employees subject to this paragraph other than school district professional~~
4 ~~employees shall be for a term exceeding 3 years. e.~~ No arbitration award may
5 contain a provision for reopening of negotiations during the term of a collective
6 bargaining agreement, unless both parties agree to such a provision. The
7 requirement for agreement by both parties does not apply to a provision for
8 reopening of negotiations with respect to any portion of an agreement that is
9 declared invalid by a court or administrative agency or rendered invalid by the
10 enactment of a law or promulgation of a federal regulation.

11 **SECTION 13.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

12 **SECTION 14.** 111.70 (4) (cm) 8p. of the statutes is repealed.

13 **SECTION 15.** 111.70 (4) (cm) 8s. of the statutes is amended to read:

14 111.70 (4) (cm) 8s. 'Forms for determining costs.' The commission shall
15 prescribe forms for calculating the total increased cost to the municipal employer of
16 compensation and fringe benefits provided to school district professional employees.
17 The cost shall be determined based upon the total cost of compensation and fringe
18 benefits provided to school district professional employees who are represented by
19 a labor organization on the 90th day before expiration of any previous collective
20 bargaining agreement between the parties, or who were so represented if the
21 effective date is retroactive, or the 90th day prior to commencement of negotiations
22 if there is no previous collective bargaining agreement between the parties, without
23 regard to any change in the number, rank, or qualifications of the school district
24 professional employees. For purposes of such determinations, any cost increase that
25 is incurred on any day other than the beginning of the 12-month period commencing

SENATE BILL 200

SECTION 15

1 with the effective date of the agreement or any succeeding 12-month period
2 commencing on the anniversary of that effective date shall be calculated as if the cost
3 increase were incurred as of the beginning of the 12-month period beginning on the
4 effective date or anniversary of the effective date in which the cost increase is
5 incurred. ~~In each collective bargaining unit to which subd. 5s. applies, the municipal~~
6 ~~employer shall transmit to the commission and the labor organization a completed~~
7 ~~form for calculating the total increased cost to the municipal employer of~~
8 ~~compensation and fringe benefits provided to the school district professional~~
9 ~~employees covered by the agreement as soon as possible after the effective date of the~~
10 ~~agreement.~~

11 SECTION 16. 111.70 (4) (cn) of the statutes is repealed.

12 SECTION 17. 111.70 (4) (d) 2. a. of the statutes is amended to read:

13 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
14 bargaining unit for the purpose of collective bargaining and shall whenever possible,
15 unless otherwise required under this subchapter, avoid fragmentation by
16 maintaining as few collective bargaining units as practicable in keeping with the size
17 of the total municipal work force. In making such a determination, the commission
18 may decide whether, in a particular case, the municipal employees in the same or
19 several departments, divisions, institutions, crafts, professions, or other
20 occupational groupings constitute a collective bargaining unit. Before making its
21 determination, the commission may provide an opportunity for the municipal
22 employees concerned to determine, by secret ballot, whether or not they desire to be
23 established as a separate collective bargaining unit. ~~The commission shall not~~
24 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
25 ~~collective bargaining unit if the group includes both municipal employees who are~~

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1 ~~school district professional employees and municipal employees who are not school~~
2 ~~district professional employees.~~ The commission shall not decide, however, that any
3 other group of municipal employees constitutes an appropriate collective bargaining
4 unit if the group includes both professional employees and nonprofessional
5 employees, unless a majority of the professional employees vote for inclusion in the
6 unit. The commission shall not decide that any group of municipal employees
7 constitutes an appropriate collective bargaining unit if the group includes both craft
8 employees and noncraft employees unless a majority of the craft employees vote for
9 inclusion in the unit. The commission shall place the professional employees who are
10 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
11 a separate collective bargaining unit from a unit that includes any other professional
12 employees whenever at least 30% of those professional employees request an election
13 to be held to determine that issue and a majority of the professional employees at the
14 charter school who cast votes in the election decide to be represented in a separate
15 collective bargaining unit. Any vote taken under this subsection shall be by secret
16 ballot.

SECTION 18. Nonstatutory provisions.

17
18 (1) The employment relations commission may not accept any petition for
19 arbitration filed under section 111.70 (4) (cm) 6. of the statutes, in any collective
20 bargaining unit concerning a labor dispute about which the commission has, prior
21 to the effective date of this subsection, already accepted a petition for arbitration
22 filed under section 111.70 (4) (cm) 6. of the statutes.

SECTION 19. Initial applicability.

ins.
A →
23

SENATE BILL 200

SECTION 19

1 (1) ~~This act~~^{it} first applies to petitions for arbitration filed under section 111.70
2 (4) (cm) 6. of the statutes, as affected by this act, on the effective date of this
3 subsection.
4

~~END~~

The treatment of sections 111.70 (1)(b), (cm),
(fm) ^{and} (nc), (4)(cm) 5., 5s., 6.a. and
am., 7., 7g., 7r.(intro.), 8m. a ^{b.} and c.,
8p., and 8s., (cn), and (d) 2.a.

2003

Nonstat File Sequence: **FFF**

LRB _____/____

_____:_____:_____

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ . Effective date.

(#1) () This act takes effect
on July 1, 2004

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ . Effective dates;

..... This act takes effect on ~~the day after publication~~ July 1, 2004, except as follows:

(#1) () The treatment of
sections 77.52 (1) and (2) Cinnu. and 77.53 (1)
of the statutes takes effect on January 1, 2004
(End)

1. In the component bar: For the budget action phrase, execute: ... **create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 _____ . Effective dates;

(#1) () The treatment of
sections
of the statutes takes effect on

A:1

(2) SCHOOL BUILDING PROJECTS BOARD.

of the initial members of the school
appointed under section 15.375(1) of the statutes,
building projects board & the terms of one
member

& appointed ~~under~~ by the state superintendent of
public instruction and of
one member appointed by

the governor shall ~~be appointed for terms~~
expire the terms of
expiring on May 1, 2005; & one member appointed
by the state superintendent and of
one member

appointed by the governor shall ~~be appointed for~~
expire

terms ~~expiring~~ on May 1, 2006. and the
state superintendent

terms of one member appointed by the ~~governor~~ and of one

member appointed by the governor shall ~~be~~
expire

appointed for terms ~~expiring~~ on May 1, 2007.

A:2

(3) TRANSFER TO PUBLIC SCHOOL AID FUND.

On July 1, 2004, \$5,300,000,000 is transferred
from the general fund to the public
school aid fund.